Serial No.: 09/903,665 Filed: July 13, 2001 Group Art Unit: 1619 SEP 3 0 2007 STRADEMAN

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Docket No.: 6485/16895-US2

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GIANCARLO SANTUS, GIUSEPPE BOTTONI, ETTORE BILATO

Serial No.:

09/903,665

Art Unit:

1619

Filed:

July 13, 2001

Examiner:

Clinton T. Ostrup

Confirmation No.:

3102

For:

THERAPEUTIC COMPOSITIONS FOR INTRANASAL ADMINISTRATION WHICH INCLUDE KETOROLAC

## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Hon. Commissioner of Patents and Trademarks Washington, DC 20231

September 30, 2002

Sir:

The undersigned is an attorney of record in the above-identified patent application and RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY, located at Corso S. Gottardo 54 - 6830 Chiasso, Switzerland, is the owner of the entire right, title, and interest in the above-identified patent application by assignment from the inventors.

Docket No.: 6485/16895-US2

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Serial No.: 09/903,665 Filed: July 13, 2001 Group Art Unit: 1619

The assignment document is dated April 27, 1992 and was recorded by the U.S. Patent and Trademark Office on April 29, 1992, at Reel 6111, Frame 0762 (copy attached).

RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of commonly owned U.S. Patent No. 6,333,044 (assignment recorded by the U.S. Patent and Trademark Office on April 29, 1992, at Reel 6111, Frame 0762; same as above) and hereby agrees that the granted patent shall be enforceable only during such period that the legal title to said granted patent shall be the same as the legal title to any U.S. Patent granted on the above-identified patent application. This agreement shall run with any patent granted on the above-identified application and be binding upon the grantee, its successors and assigns.

The statutory fee of \$110.00 for a disclaimer is enclosed.

RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY does not disclaim any terminal part of any patent granted on the above-identified U.S. patent application prior to the expiration date of the full statutory term of U.S. Patent No. 6,333,044, in the event that U.S. Patent No. 6,333,044 later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), or
- has all claims canceled by a reexamination certificate.

Respectfully submitted,

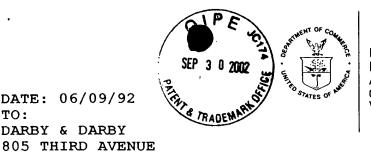
Adda C. Gogoris Reg. No. 29,714

Attorney for Applicants

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Docket No.: 6485/16895-US2

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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ASSIGNOR:

SANTUS, GIANCARLO

DATE: 06/09/92

DARBY & DARBY

NEW YORK, NY 10022

TO:

ASSIGNOR:

BOTTONI, GIUSEPPE

**ASSIGNOR:** 

BILATO, ETTORE

DOC DATE: 04/27/92

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RECORDATION DATE: 04/29/92 NUMBER OF PAGES 005 REEL/FRAME 6111/0762

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:

RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY A CORPORATION OF SWITZERLAND CORSO S. GOTTARDO 54 - 6830 CHIASSO, SWITZERLAND

SERIAL NUMBER 7-875700 FILING DATE 04/29/92 PATENT NUMBER ISSUE DATE 00/00/00

6485/06895(ACG47)

## **ASSIGNMENT**

We, GIANCARLO SANTUS, a citizen of Italy, residing at Via Zuara, 8 - 20146 Milano, Italy;

We, GIUSEPPE BOTTONI, a citizen of Italy, residing at Via Don Luigi Guanella, 5 - 24100 Bergamo, Italy; and

We, ETTORE BILATO, a citizen of Italy, residing at Via S. Mattia, 23 - 35121 Padova, Italy,

(hereafter called "ASSIGNORS") in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration paid to us by RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY, a corporation organized under the laws of Switzerland, located at Corso S. Gottardo 54 - 6830 Chiasso, Switzerland, (hereafter called the "ASSIGNEE"), do hereby sell and assign to the said ASSIGNEE, its successors and assigns, all our right, title and interest, in and for the United States of America, in and to our invention entitled:

THERAPEUTIC COMPOSITIONS FOR INTRANASAL ADMINISTRATION WHICH INCLUDE KETOROLAC®

invented by us and described in the application for United States Letters Patent therefor, executed on even date herewith, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its successors, assigns or other legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by said ASSIGNORS if this assignment and sale had not been made;

And ASSIGNORS hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, or reissue applications or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said ASSIGNEE;

And the said ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Witness:

Dated: April 27, 1992

Dated: April 27, 1992
Witness: All Witness:

ETTORE BILATO, Inventor

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